

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LANCE E. SPEAKE,

Plaintiff,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Defendants.

2:11-cv-01653-GMN-PAL

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On April 20, 2012, the court issued an order deferring the ruling on plaintiff's motion to proceed *in forma pauperis* and screening plaintiff's complaint. (ECF No. 13.) Because plaintiff did not file an amended complaint, on June 11, 2012, the court ordered the case to proceed as set forth in the screening order and stayed the case for ninety days. (ECF No. 15.) On September 7, 2012, at the expiration of the stay, defendants informed the court that the parties have not reached a settlement. (ECF No. 17.) Accordingly, the court addresses plaintiff's motion to proceed *in forma pauperis*. (ECF No. 11.) Based on the financial information provided, the court finds that plaintiff is unable to prepay the full filing fee in this matter.

IT IS ORDERED as follows:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 11) is **GRANTED**; plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).
2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

1 This order granting leave to proceed *in forma pauperis* shall not extend to the issuance
2 of subpoenas at government expense.

- 3 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to
4 the Clerk of the United States District Court, District of Nevada, 20% of the preceding
5 month's deposits to plaintiff's account (inmate #1032778), in the months that the account
6 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk
7 of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's
8 Office. The Clerk shall also **SEND** a copy of this order to the attention of the Chief of
9 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City,
10 NV 89702.
- 11 4. The Clerk shall electronically **SERVE** a copy of this order, the court's screening order
12 (ECF No. 13), and a copy of plaintiff's complaint (ECF No. 14) on the Office of the
13 Attorney General of the State of Nevada, attention Pamela Sharp.
- 14 5. Subject to the findings of the screening order, the Attorney General's Office shall file a
15 notice advising the court and plaintiff of: (a) the names of the defendants for whom it
16 accepts service; (b) the names of the defendants for whom it does not accept service, and
17 (c) the names of the defendants for whom it is filing last-known-address information
18 under seal. As to any of the named defendants for whom the Attorney General's Office
19 cannot accept service, the Office shall file, under seal, the last known address(es) of those
20 defendant(s) for whom it has such information.
- 21 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
22 motion identifying the unserved defendant(s), requesting issuance of a summons, and
23 specifying a full name for the defendant(s). For the defendant(s) as to which the Attorney
24 General has not provided last-known-address information, plaintiff shall provide the full
25 name and address for the defendant(s).
- 26 7. If the Attorney General accepts service of process for any named defendant(s), such

1 defendant(s) shall file and serve an answer or other response to the complaint within
2 **sixty (60) days** from the date of this order.

- 3 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered
4 by counsel, upon their attorney(s), a copy of every pleading, motion or other document
5 submitted for consideration by the court. Plaintiff shall include with the original paper
6 submitted for filing a certificate stating the date that a true and correct copy of the
7 document was mailed to the defendants or counsel for the defendants. If counsel has
8 entered a notice of appearance, the plaintiff shall direct service to the individual attorney
9 named in the notice of appearance, at the address stated therein. The court may disregard
10 any paper received by a district judge or magistrate judge which has not been filed with
11 the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which
12 fails to include a certificate showing proper service.

13 **IT IS SO ORDERED.**

14 DATED: September 14, 2012.

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17 UNITED STATES MAGISTRATE JUDGE
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